

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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IN RE: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	MDL No. 1456
LITIGATION)	Civil Action No. 01-CV-12257-PBS
)	
)	
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)	
THIS DOCUMENT RELATES TO:)	Hon. Patti B. Saris
International Union of Operating Engineers,)	
Local No. 68 Welfare Fund v. AstraZeneca PLC)	
et al. Civil Action No. 04-11503-PBS)	
)	
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DECLARATION OF LUCY FOWLER IN SUPPORT OF
MEMORANDUM OF LAW PURSUANT TO THE COURT'S DIRECTIVE
ON JANUARY 27 AND IN OPPOSITION TO MOTION FOR REMAND
BY PLAINTIFF INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 68 WELFARE FUND

I, Lucy Fowler, hereby declare that:

1. I am an associate at Foley Hoag LLP, which serves as counsel to Defendant AstraZeneca Pharmaceuticals LP in the above-captioned litigation.
2. This declaration is submitted in support of AstraZeneca's Memorandum of Law Pursuant to the Court's Directive on January 27 and in Opposition to Motion for Remand by Plaintiff International Union of Operating Engineers, Local No. 68 Welfare Fund.
3. Attached as Exhibit 1 is a true and correct copy of the Supplemental Declaration of D. Scott Wise, dated February 10, 2006.

4. Attached as Exhibit 2 is a true and correct copy of the Affidavit of Jack E. Fernandez, dated February 6, 2006 (incorrectly dated February 6, 2005).
5. Attached as Exhibit 3 is a true and correct copy of the Affidavit of Michael M. Mustokoff, dated October 17, 2005.
6. Attached as Exhibit 4 is a true and correct copy of the Affidavit of Terry K. Sherman, dated September 27, 2005.
7. Attached as Exhibit 5 is a true and correct copy of an e-mail from Donald E. Haviland, Jr. to Michael M. Mustokoff, dated July 17, 2003 (K&S 0394).
8. Attached as Exhibit 6 is a true and correct copy of an e-mail from Donald E. Haviland, Jr. to Jack Fernandez, dated July 15, 2003 (K&S 0365).
9. Attached as Exhibit 7 is a true and correct copy of a July 8, 2003 letter from Donald E. Haviland, Jr. to Michael M. Mustokoff, Jack Fernandez, Terry K. Sherman, and John E. Keefe, Jr. (BERK 005-007, MUST 0074-0076).
10. Attached as Exhibit 8 is a true and correct copy of the Declaration of John C. Dodds, dated September 15, 2005.
11. Attached as Exhibits 9 is a true and correct copy of the docket sheet for International Union v. AstraZeneca PLC, et al., 3:03-cv-03230-SRC-JJH, United States District Court, District of New Jersey.

12. Attached as Exhibit 10 is a true and correct copy of the docket sheet for IUOE Local 68 WF v. AstraZeneca PLC, et al., C 000193 03, Superior Court of New Jersey, Equity Division, Monmouth County.
13. Attached as Exhibit 11 is a true and correct copy of the docket sheet for International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC, et al., 1:04-cv-11503-PBS, United States District Court, District of Massachusetts.
14. Attached as Exhibit 12 is a true and correct copy of the docket sheet for Citizens for Consumer, et al. v. Abbott Laboratories, et al., 1:01-cv-12257-PBS, United States District Court, District of Massachusetts, April 21, 2005 through December 6, 2005.
15. Attached as Exhibit 13 is a true and correct copy of the Settlement Agreement in *Stetser v. TAP Pharmaceuticals, Inc.*, 1-CV-5268, North Carolina General Court of Justice, Superior Court Division, New Hanover County, filed on August 27, 2002.

By: /s/ Lucy Fowler

DATED: February 10, 2006
Boston, MA

Lucy Fowler (BBO# 647929)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02110

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on February 10, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Lucy Fowler
Lucy Fowler